

REMARKS

At the outset, the Applicant thanks the Examiner for taking the time to speak with the Applicant's Representative on May 22, 2007. The substance of the interview is set forth in the below and constitutes a record of the interview. Specifically, a discussion concerning the 35 U.S.C. § 112, first and second paragraph rejections was conducted. In addition, during the interview, the Examiner indicated that if the Applicant filed a Supplemental Amendment, the Supplemental Amendment would be entered and the claims would be examined on the merits.

Claims 1, 3, 4, 6 and 7 are hereby amended and claims 10 and 11 are newly added. No new matter has been added. Claims 8 and 9 are canceled without prejudice or disclaimer. Accordingly, claims 1-7, 10 and 11 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejects claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant has amended claims 1, 3 and 4, and requests that the Examiner withdraw the rejection.

Moreover, the Office Action rejects claims 4 and 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Applicant has amended claims 4 and 5, and requests that the Examiner withdraw the rejection.

The Office Action rejects claims 6-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicant has cancelled claims 8 and 9, therefore the rejection of those claims is considered moot. Further, the Applicant has amended claims 6 and 7 and requests that the Examiner withdraw the rejection.

Moreover, the Office Action rejects claims 1-5 under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. As stated above, the Applicant has amended claims 1, 3 and 4 and requests that the Examiner withdraw the rejection.

The Office Action rejects claims 1-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,768,728 to *Harwood et al.* (hereinafter "*Harwood*"). The Applicant has cancelled claims 8 and 9, therefore the rejection of those claims is considered moot. The Applicant respectfully traverses the rejection of the remaining claims.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Harwood* does not teach every element recited in claims 1-7 and therefore cannot anticipate these claims.

With regard to claims 1-5, claim 1 has been amended to recite "calculating a first differential...and comparing the calculated first differential to a first predetermined value." *Harwood* fails to disclose at least these features.

With regard to claims 6 and 7, claim 6 has been amended to recite "calculating a first differential between the amount of laundry detected the first time and the amount of laundry detected the second time; and comparing the first differential to a first predetermined value." *Harwood* fails to disclose at least these features.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 6 are patentably distinguishable over *Harwood*. Likewise, claims 2-5 and 7 which variously depend from claims 1 and 6, are also patentable for at least the same reasons. Accordingly, the Applicant respectfully requests that the 35 U.S.C. §102 (b) rejection of claims 1-7 be withdrawn.

The Office Action rejected claims 1-4 and 6-9 under 35 U.S.C. §102(b) as being anticipated by a conventional washing machine. The Applicant has cancelled claims 8 and 9, therefore the rejection of those claims is considered moot. The Applicant respectfully traverses the rejection of the remaining claims.

In the Office Action, the Examiner suggests that the user of a conventional washing machine could mentally or manually execute each of the method steps as set forth in claims 1 and 6. The Applicant respectfully traverses this rejection.

The Applicant respectfully submits that a user of a conventional washing machine does not and cannot perform every step associated with newly amended claims 1-4, 6 and 7 and, therefore, conventional washing machines do not anticipate these claims.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 6 are patentably distinguishable over a conventional washing machine. Likewise, claims 2-4 and 7, which variously depend from claims 1 and 6, are also patentable for at least the same reasons. Accordingly, the Applicant respectfully requests that the , and request that the 35 U.S.C. §102 (b) rejection of claims 1-4, 6 and 7 be withdrawn. rejection be withdrawn.

Likewise, neither *Harwood* nor a conventional washing machine teach or suggest the subject matter of newly added claims 10 and 11.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: May 30, 2007

Respectfully submitted,

By


Mark R. Cresloff

Registration No.: 42,766
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant

Application No.: 10/720,681
Supplemental Amdt. dated May 30, 2007
Reply to Final Office Action dated September 20, 2006

Docket No.: 9988.087.00

Attachments